

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1876

1 WHEREAS, Hartland Homes, Inc. has submitted an application designated
2 as Special Permit No. 1876 for authority to construct an early childhood care facility for 110
3 children on property generally located west of 84th Street and north of Old Cheney Road,
4 and legally described to wit:

5 A portion of Irregular Tract 67 of the Southeast Quarter of
6 Section 10, Township 9 North, Range 7 East of the 6th P.M.,
7 Lincoln, Lancaster County, Nebraska, more particularly
8 described as follows:

9 Beginning at the southeast corner of Section 10, Township 9
10 North, Range 7 East and continuing along the east section line
11 on a bearing of north 00 degrees 00 minutes 00 seconds west,
12 a distance of 840.10 feet; thence north 90 degrees 00 minutes
13 00 seconds west, a distance of 60.00 feet to the point of
14 beginning; thence north 89 degrees 47 minutes 54 seconds
15 west, a distance of 200.63 feet; thence northerly on a bearing
16 of north 00 degrees 12 minutes 06 seconds east, a distance of
17 170.00 feet; thence southeasterly on a bearing of south 83
18 degrees 00 minutes 46 seconds east, a distance of 201.53
19 feet; thence on a bearing of south 00 degrees 00 minutes 00
20 seconds west, a distance of 146.19 feet to the point of
21 beginning and containing a calculated area of 31,674.77
22 square feet, more or less;

23 WHEREAS, the real property adjacent to the area included within the site
24 plan for this will not be adversely affected; and

25 WHEREAS, said site plan together with the terms and conditions hereinafter
26 set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal
27 Code to promote the public health, safety, and general welfare.

1 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
2 Lincoln, Nebraska:

3 That the application of Hartland Homes, Inc., hereinafter referred to as
4 "Permittee", to construct an early childhood care facility for 110 children, on the property
5 legally described above, be and the same is hereby granted under the provisions of
6 Section 27.63.070 of the Lincoln Municipal Code upon condition that construction and
7 operation of said early childhood care facility be in strict compliance with said application,
8 the site plan, and the following additional express terms, conditions, and requirements:

9 1. This permit approves an early childhood care facility for a maximum
10 of 110 children.

11 2. Before receiving building permits the Permittee must provide a building
12 elevation to the satisfaction of the Planning Director that includes the following:

13 a. The building shall be designed in such a way that it may be
14 reasonably converted to a residential use and is compatible
15 with the surrounding residential area, in addition to the
16 compatibility of the building size in relation to adjacent or future
17 residences and physical appearance in relation to adjacent
18 properties. The building appearance shall be similar to that of
19 uses allowed by right: single family or two family dwelling
20 units.

21 b. Mechanical equipment, including air conditioning units shall not
22 be placed in the front yard along Wendell Way.

23 3. The requirement of Section 27.63.070 (c) that the facility be located
24 on an arterial or collector street is hereby waived to allow access from Wendell Way.

1 4. The requirement that a building elevation be submitted at the time of
2 application is hereby waived to allow the building elevation to be submitted at the time of
3 the building permit.

4 5. Before occupying the early childhood care facility all development and
5 construction must be in conformance with the approved plans.

6 6. The facility shall conform with all state and local early childhood care
7 requirements.

8 7. The site plan approved by this permit shall be the basis for all
9 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
10 elements, and similar matters.

11 8. The terms, conditions, and requirements of this resolution shall be
12 binding and obligatory upon the Permittee, its successors, and assigns. The building
13 official shall report violations to the City Council which may revoke the special permit or
14 take such other action as may be necessary to gain compliance.

15 9. The Permittee shall sign and return the City's letter of acceptance to
16 the City Clerk within 30 days following approval of the special permit, provided, however,
17 said 30-day period may be extended up to six months by administrative amendment. The
18 City Clerk shall file a copy of the resolution approving the special permit and the letter of
19 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the
20 Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Approved this ____ day of _____, 2001:

Mayor